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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/590,466 Confirmation No.: 9717
Applicant(s): Ali-Vehmas, Timo
Filed: 08/23/2006
Art Unit: 2614
Examiner: Nguyen, Phung Hoang Joseph
Title: Method and Application for Arranging a Conference Call
in a Cellular Network and a Mobile Terminal Operating
in a Cellular Network

Attorney Docket No.: 894A.0021.U1(US)
Customer No.: 10,948

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Office Action

Sir:

This is in response to the Office Action mailed 10/12/2011 in regard to the above-identified patent application.

Claims 1-4, 7-9, 13-16, 18-21, 24, 27, and 29-34 were rejected under 35 U.S.C. §102(b) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being obvious over Kleier (US 2002/0009990) and/or Mauney et al. (US 2005/0032475). Claims 5, 10-12, 17, 22, 25, and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kleier (US 2002/0009990) in view of Mauney et al. (US 2005/0032475) and Wu (US 6,275,575). Claims 23 and 26 were rejected under 35 U.S.C. §103(a) as being obvious over Kleier (US 2002/0009990). The examiner is requested to reconsider these rejections.

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

Applicant submits that in the last office action the examiner did not address the language in the claims. The last amendment included new claim 35. It appears that the examiner has not examined the language of claim 35. For example, the examiner did not provide any specific rejection to dependent claim 35. However, when elements of claim 35 were previously used to amend claim 1, the examiner cited prior art (*Scheuring*) against this feature included in claim 1 (see Office Actions dated 30 December 2009 and 14 May 2010).

The examiner is directed to MPEP 707.07(f). As noted in MPEP 707.07(f) "If a rejection of record is to be applied to a new or amended claim, specific identification of that ground of rejection, as by citation of the paragraph in the former Office letter in which the rejection was originally stated, should be given." The examiner has not done this in this case, for example see the rejection in the office action regarding claim 35.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is submitted that *Kleier* fails to teach each and every element as set forth in claims 1, 15, 27, 30, 32, and 33 for at least the reasons described below.

Additionally, or in the alternative, to establish *prima facie* obviousness of a claimed invention, all the claim limitations

Appl. No.: 10/590,466
Reply to Office Action of: 10/12/2011

must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Present claim 1 recites that:

- (i) The summons includes "the telephone number of said convener", "the respective participants having made the[ir] call using the telephone number of the convener mentioned in the summons". An example is given on page 2, lines 20-23 of the application as filed.
- (ii) The application for the convener mobile terminal causes the convener mobile terminal to "automatically join... the participants to the conference call in the mobile terminal of the convener" - i.e. the convening device joins the participants together in the conference call. [abstract], [paragraph 0007].
- (iii) The "summons to the meeting from the mobile terminal of the convener to all members of the group of participants" are sent "by the mobile terminal of the convener". [present claim 1]
- (iv) "The mobile terminal of the convener" receives "calls" "from two or more of the participants". [present claim 1]

Kleier

Kleier teaches a method for setting up a telephone conference between more than two subscribers via a bridge or server (see abstract, figure 10), or mobile radio network (figure 9).

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

Paragraphs 28-30 of Kleier describe how the calling device performs the calling, and that the network holds a virtual conference and performs the necessary joint network connections to join together of calls accepted by the participants. Paragraph 33 teaches an alternative embodiment, where the participant calls the network using the virtual number received via an invitation, but this number is a virtual number for a virtual conference held by the network - the network still performs the joining of the participants to the conference at the virtual conference number/bridge.

Examiner's experience

Applicant acknowledges the Examiner's testimony to having worked with conference calling in his previous employment. Applicant respectfully disagrees with the examiner, in that the establishment of a virtual number for the purposes of a conference call does not necessarily mean that the virtual number belongs to the conference convener. Applicant submits that such a virtual number is a parameter of the network and/or conference rather than a parameter assigned to a person/convener. For example, a new virtual number is presumably assigned for each conference call held. Furthermore, the claimed invention is using a mobile terminal to draw up the summons. The examiner does not make it clear whether he used a mobile or a fixed terminal to carry out his conference calling.

Also, applicant respectfully submits that the examiner is not the ordinary skilled person, despite his experience. Whether or not something is obvious should be judged from the

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

perspective of the ordinary skilled person given the teachings available at the time, not necessarily a person who has worked in the field and who may have a level of ability above the ordinary skilled person.

Convener's mobile terminal telephone number given in the summons for the conference call to be called by participants

In addition, given that the conference call is joined in the mobile terminal by the participant calling the telephone number of the convener, applicant submits that this telephone number provided in the summons, called by participants in joining the conference call, must be the telephone number of convener's the mobile terminal. This is further supported by the following passages which make it absolutely clear than no other number could reasonably be intended other than the telephone number of the convener's mobile terminal:

"In step 3, the participant joins the conference call. This takes place so that the participant calls with his/her mobile terminal the telephone number of the convener of the conference call." [paragraph 0034]

"When a participant wants to join the conference call, he/she simply makes a call with the mobile terminal to the telephone number given in the summons to the meeting 410." [paragraph 0027]

It is clear that the participants call the convener's telephone number, which is given in the summons to the meeting, in order to join the meeting. Note that the telephone number of the convener is disclosed, and there is no mention

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

of any other possible number associated with the meeting convener, such as any virtual number (which is the focus of Kleier, for example). "A further advantage of the invention is the fact that all the technical properties needed for implementing the invention already exist in all cellular networks" [paragraph 0016], therefore applicant submits that it would be readily appreciated that no additional numbers, such as virtual numbers of other numbers created specifically for a conference call, are required.

Further, the ordinary skilled person would understand that the convener's telephone number must be the telephone number of the convener's mobile terminal. "In most cases the mobile terminals operating in a cellular network are cellular telephones, which makes it natural to use the telephone number of a cellular phone as the contact information of the participants" [paragraph 0023]. It follows, therefore, that in the telephone number of the mobile terminal (cellular phone) of the convener is used as the contact information of the convener, which the participants would call to contact the convener's mobile terminal and participate in the conference call.

Furthermore, Figure 1 shows three mobile terminals configured for a conference call according the claimed invention, and shows no other possible telephone which the convener might use. Therefore the convener uses a mobile terminal, as shown, and the participants call the convener's telephone number, that is, the telephone number of the convener's mobile terminal. Applicant submits that no other possibility could reasonably be understood.

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

Nevertheless, applicant still submits that the overall teaching of *Kleier* is that to establish a conference call, a user must set up a virtual conference with a network, and that the network must exclusively perform all the tasks necessary to hold and establish that virtual conference between a convener and participants. The onus and burden is on the network to join the calls together as part of a virtual conference. This is problematic for users as it requires a lot of forward planning by the convener, as such virtual conference numbers need to be pre-arranged in advance should a convener wish to hold a conference call. This also places all the demand on the network to perform correctly to set up the conference call.

Present claim 1 states

"sending...the summons to the meeting...to members of the group of participants"; and

"receiving calls ...[coming] from two or more of the participants..."

Thus it is clear from the present independent claims, and in context with, for example, figure 1, that the claimed invention has no requirement to have any external server or bridge for sending summons to participants, or receiving calls from participants. These activities are performed by the mobile terminal. This is in contrast with *Kleier*.

Kleier teaches that communication from an initiator 1 to participants 3 must be via a bridge or server (see figure 10)

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

when participants initiate the connection and call into the conference [paragraph 0033].

Specifically, Kleier discloses, in relation to figure 10, that "[m]obile terminal 1 requests the telephone conference... A server 7 at the mobile radio network end then sends invitations 8, 9, 10 to the mobile terminals of the participants 3, 4, 5." [paragraph 0035].

Kleier teaches that in the case where participants dial into a conference call, it is not the convener/convener's mobile terminal which sends summonses directly to all participants, as with the claimed invention, but that a separate server 7 is required to send invitations to participants.

Further, Kleier discloses (again in relation to figure 10) that "...if the[ir] user wishes to participate in the telephone conference...they dial a (virtual) telephone number ...and are connected to a telephone conference. This is done via a bridge 8 via which the participants 1, 3, 4, 5 participating in the telephone conference are connected." [paragraph 0035].

Further, the abstract of Kleier states that "subscribers...are connected together via a bridge to form the telephone conference". Therefore, even the convener will need to call the bridge.

It is clear that Kleier teaches participants, including the convener, to call into a conference call via a bridge 8. Participants in Kleier do not directly call any convener or initiator using a mobile terminal/telephone number of the mobile terminal. The participant calls are received at a

Appl. No.: 10/590,466
Reply to Office Action of: 10/12/2011

bridge 8, and not at a convener mobile terminal, in contrast with the claimed invention.

Kleier does not teach:

"sending...the summons to the meeting...to members of the group of participants"; and

"receiving calls...[coming] from two or more of the participants..."

and actually teaches away from any sending and receiving of communications between the initiator mobile terminal and participants by the explicit inclusion of entities such as a bridge or server. Therefore applicant submits that the teachings of Kleier in combination with any documents could not be considered by the skilled person who would then arrive at the claimed invention, as Kleier teaches in a different direction to that of the claimed invention.

Mauney

Mauney is cited against the feature of automatically joining the participants to the conference call in the mobile terminal of the convener. However, applicant submits that combining the teaching of Mauney, or any other document, with that of Kleier, would not arrive at the claimed invention since Kleier teaches away from the claimed invention as detailed above.

In considering the teachings of Mauney alone, conference calling appears to be disclosed mainly in paragraphs [0295-0297], despite the other 450 or so paragraphs and figures in the 120 page document.

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

Mauney discloses: a Spontaneous Conference Call [paragraph 0295], likened to a three way call, which does not involve any summonses being transmitted; a Static Talk Group Call [paragraph 0295] where a user places a call to a group; a Temporary Talk group Call [paragraph 0296] similar to the Static Talk Group; and a Conference Call Channel Call [paragraph 0297] likened to communication via a CB radio channel.

There appears to be no disclosure in this passage or anywhere of sending a summons, or equivalent invitation from a mobile terminal to participants in order for them to join a conference call at the mobile terminal, and further there is no disclosure of participants each calling in to the convener mobile terminal to join a conference call, with the telephone number of the convener/mobile terminal contained in the summons drawn up and provided using the mobile terminal of the convener. Thus Mauney does not disclose the invention according to present claim 1.

Non-Obviousness

The overall teaching of both Kleier and Mauney is that one specific component of a system (in which a conference call is to be set up) should perform all the necessary tasks - in Kleier it is the network, and in Mauney it would be the user/initiator handset. In either case, this places computational strain and dependence on the ability/capacity of whichever component is selected to do the conference set up processing. Mauney also states [paragraphs 0295, 0297] "*spontaneous conferencing may be available...to permit the user*

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

to selectively add other users or try to contact the missing members of the group", further placing the onus on the user initiator and their handset.

In contrast, applicant considers that the combination of features of the present independent claimed invention presents a non-obvious alternative solution that also helps to alleviate these issues. Applicant submits that these features synergistically work together to provide a system/method for co-operatively arranging conference calls between the convener mobile terminal and participant devices over a network, and that this co-operative arrangement is advantageous over the methods known in the art. In particular, applicant considers that the present independent claimed invention helps to solve the difficulties identified above in relation to Kleier to Mauney.

Operation of the Present Independent Claimed Invention

The respective "summons" are sent to respective participants, and the participant devices receive these summons (e.g. can accept or reject the proposed conference scheduling). The importance of the distinguishing features will become evident as it is explained how the claimed invention works.

Firstly, the included telephone number of the convener (which is that of the mobile terminal used by the convener to draw up the summons) that has been picked up by the participant device means that the participant device can call the convener device/mobile terminal. This means that the convener does not need to call respective participants - any participant that has received the summons is capable of calling the convener

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

itself (for example, by way of automatic or manual scheduling from the summons). This is in contrast with Mauney, in which the convener device must call the participant devices, and will not know whether a participant device intends to participate in the conference until the convener has called and the participant accepts or rejects the call. The conference may go ahead without participants if they reject the call; however, the convener still does not know who will be participating until he/she initiates the conference call.

Secondly, upon receiving the individual calls from each of the participants, the convener mobile terminal joins those calls together to establish a conference between the respective participants and itself (e.g. by accepting the incoming call). This is in contrast with Kleier, in which the network must perform all the joining of the calls together in a virtual conference, and in contrast to Mauney where the convener/user handset joins all the calls together by making calls to each participant.

Drawing these distinctions together, applicant submits that this claimed invention thereby provides for a distinctly advantageous set of results. What has occurred is that the participant devices make respective telephone calls to the convener mobile terminal (using the telephone number of the convener's mobile terminal), and it should be noted that it is the respective participant devices that themselves call the convener, and the convener mobile terminal then joins the received calls together into the conference.

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

As a result, instead of placing all the processing demand on one component of the device (e.g. the components being the network, the convening device, and the participant devices), there is a system-wide co-operation between the respective components so that the burden of performing all the 'active' steps to set up a conference call are advantageously, and non-obviously, shared.

This means that each component is provided with a particular but manageable task:

- (i) the convener mobile terminal just has to send out the summons (with appropriate details, including the number of the convener's mobile terminal) and join any calls together;
- (ii) the respective participant devices just have to make their own call to the convener mobile terminal using the provided convener telephone number; and
- (iii) the network, as part of the system required to set up a conference call between the convener mobile terminal and participant devices, simply has to connect individual calls to the convener, who can then just accept the calls and establish the conference call by joining all the calls together.

Applicant submits that none of these respective tasks are particularly difficult or even out of the ordinary for each of the devices, but equally so are not rendered obvious by any of the cited prior art documents. These respective tasks when performed as part of a unified system of mobile

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

devices/components thereby makes setting up a conference, using mobile terminals, far easier and less demanding than in any of the prior art documents.

With regard to advantages over Kleier, this means that a user does not need to pre-arrange a virtual conference number/bridge with their network beforehand, but can simply set up a conference using currently existing functions on their mobile telephone i.e. their own telephone number and the ability to send a summons with the telephone number (and scheduling details).

With regard to advantages over Mauney, the onus does not lie with the convener to perform all the calling around and recalling any participants who do not wish to participate in the call. Instead with the present claimed invention, the onus lies with the participants. As a result, any participant device that wishes to accept the invitation will call the convener mobile terminal and be party to the conference, whilst those who do not wish to accept the invitation will not call the convener and will not be joined to the conference (and thus the burden on the system for establishing the conference call is reduced).

Applicant submits that there is no suggestion to combine the references as the examiner is attempting to do (at least not until after reading applicant's patent application). In particular, applicant respectfully submits that the independent claimed invention distributes effort across the convener mobile terminal, participant mobile devices and network(s), and thereby provides an advantageously co-

Appl. No.: 10/590,466

Reply to Office Action of: 10/12/2011

operative system for setting up a conference call between a convener mobile terminal and multiple participant devices. In view of the above, applicant submits that the present independent claimed invention is not obvious from the teaching of the prior art, and therefore demonstrates an inventive step.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (see MPEP 2143.01, page 2100-98, column 1). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (see MPEP 2143.01, page 2100-98, column 2). A statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. (see MPEP 2143.01, page 2100-99, column 1) Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). >See also Al-Site Corp. v. VSI Int'l Inc., 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references.)

Appl. No.: 10/590,466
Reply to Office Action of: 10/12/2011

In the present case, there is no teaching, suggestion, or motivation, found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art, to provide the features as claimed in claim 1. The features of claim 1 are not disclosed or suggested in the art of record. Therefore, claim 1 is patentable and should be allowed.


For at least the foregoing reasons, independent claim 1 is patentable over Kleier (US 2002/0009990) and patentable over Kleier in view of Mauney et al. (US 2005/0032475). All other independent claims also are patentable over Kleier (US 2002/0009990) and patentable over Kleier in view of Mauney et al. (US 2005/0032475) for corresponding reasons regarding correspondingly recited subject matter.

Accordingly, as all independent claims are patentable, all pending dependent claims also are patentable at least in view of their dependency from an allowable independent claim.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. If there are any additional charges with respect to this Response or otherwise, please charge deposit account 50-1924 for any fee deficiency. Should any unresolved issue remain, the examiner is invited to call applicant's attorney at the telephone number indicated below.

Appl. No.: 10/590,466
Reply to Office Action of: 10/12/2011

Respectfully submitted,



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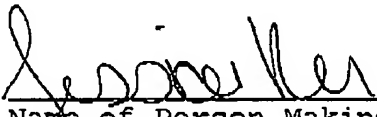
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